

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M -11301 of 2016 (O&M)

Date of decision: 15.07.2016

Vivek Joshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Sominder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.17, dated 18.03.2016, registered under Sections 447, 448, 427, 380 and 511 IPC, at Police Station Satnampura, District Kapurthala.

On the last date of hearing, the following order was passed:-

“Counsel would submit that the complainant is Santosh Kumari Sharma and allegations against the present petitioner and other co-accused are of having entered the property of the complainant on the night of 17.10.2015 with an intention to occupy the same and having misappropriated the household articles in the nature of cooler, fans, fridge,

bed etc. having broken the locks of the premises.

Counsel submits that it is a clear case of false implication. In support of such contention, it is submitted that daughter of the complainant, namely, Rimple Joshi was married to cousin brother of the petitioner, namely, Rajeev Joshi and the matrimonial relations between the two are strained and divorce petition is already pending. Further submitted that even though the occurrence is stated to be of 17.10.2015 yet the complaint was lodged only on 04.02.2016 and the delay of more than three months has gone unexplained”.

It is contended that in pursuance of the order dated 01.04.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.04.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

15.07.2016

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(JITENDRA CHAUHAN)
JUDGE